

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

D'IBERVILLE PROMENADE, LLC

PLAINTIFF

v.

CAUSE NO. 1:21CV335-LG-RPM

**CBL – D'IBERVILLE MEMBER, LLC and
CBL & ASSOCIATES MANAGEMENT,
INC.**

DEFENDANTS

ORDER REQUIRING BRIEFING

BEFORE THE COURT is the [10] Motion to Remand filed by plaintiff, D'Iberville Promenade, LLC ("DP"). DP seeks to remand this matter to the Chancery Court of Harrison County, Mississippi, for lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c). (*See* Mot., at 1, ECF No. 10). DP also argues that the Court does not have exclusive jurisdiction under 28 U.S.C. § 1334, and thus, "the federal court should abstain." (*See id.* at 2). The Court finds that DP's request is unclear as lacking subject matter jurisdiction and abstaining from exercising jurisdiction are opposite of one another. *Cf. RLI Ins. Co. v. Pugh*, No. 6:16-cv-437, 2016 WL 6208587, at *3 (W.D. La. Sept. 27, 2016) ("Federal courts do not abstain because they lack jurisdiction; rather, abstention reflects a court's prudential decision not to exercise its jurisdiction.").

Nonetheless, the record reflects that DP did not file a memorandum brief in support of its Motion. The Court therefore requires DP to submit a memorandum in accordance with the Local Rules. *See* L. U. Civ. R. 7, 7(b)(2). DP is advised to clarify its arguments in light of the Court's confusion between DP's claim regarding

subject matter jurisdiction and abstention. The memorandum brief is due December 15, 2021.

IT IS THEREFORE ORDERED AND ADJUDGED that plaintiff, D'Iberville Promenade, LLC, is directed to submit a memorandum in support of its [10] Motion to Remand. The memorandum brief is due December 15, 2021.

SO ORDERED AND ADJUDGED this the 6th day of December, 2021.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE